



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,039	01/29/2004	Hiroyuki Hatta	1538.1045	2575
21171	7590	12/21/2011		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER	
			LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2163	
			MAIL DATE	DELIVERY MODE
			12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/766,039

Applicant(s)

HATTA ET AL.

Examiner

WILSON LEE

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3-16,18 and 23-25 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3-16,18 and 23-25 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIB) Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Response to Arguments

Applicant's arguments filed on 10/6/2011 have been fully considered but they are not persuasive.

Applicant argues that Lee does not disclose that *a newly added* "a first display form including one or more display items that are selectable within the first display form...[and] are different from menu items."

Examiner is not persuaded.

First display form in fig. 3 includes displayable items being selectable. The menu items are directed to the menus 20, in figure 2.

Applicant argues that Lee is silent on any "follow up search process using a second search condition"

Examiner is not persuaded.

As stated in the previous office action, any refinement search such as changing or modifying the criteria in fig. 3 is considered as a refinement search, or second or third condition. For instance, in figure 3, the box for 1997 in 324 is checked during the second search condition. When the follow up search comprises the checked box 1997 AND checked 1996, it means that the follow up search is using the second search condition by having 1997 box checked.

Claim Rejections - 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-16, 18, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2003/0220897).

Regarding Claims 1, 16, 18, Lee (US 2003/0220897) discloses a computer-implemented search processing method, comprising:

searching a predetermined document group (32, fig. 3) according to a first search condition specified by a user to extract data of a plurality of documents (patent list fig. 2 and 324 in fig. 3) as extracted documents from a storage that stores said predetermined document group;

first transforming said extracted data of said plurality of documents (patent list in fig. 2 and 324 in fig. 3) into first display information that indicates said extracted data of said plurality of documents (patents) in a first display form (columns 32 and 33) including one or more display items that are selectable within the first display form by said user by selecting a display region (by filling out or clicking on the bubbles in box 328) of the one or more display items within the first display form for a follow up search process using a second search condition (any further refinement search including for instance, year range 322; refinement search after selecting the patent office, year, etc, fig. 3), are different from menu items (menus 20, in figure 2) and are, generated from said extracted data of said plurality of documents (patents), and outputting first display information in the first display form (32 and "value" result or graph in 33);

receiving from said user designation of a second display form (choosing percent in 328 and output graph 33) different from said first display form (32 and "value" result or graph in 33);

extracting data of documents (patents) corresponding to said selected display item (patents in year 1997, 1996, and/or 1995) from said storage (12) (fig. 4) and/or from said extracted data of said plurality of documents (patent list in fig. 2 and 324 in fig. 3); and

second transforming said extracted data of said documents corresponding to said selected display item (patents in year 1997, 1996, and/or 1995) as extracted selected data into second display information (when user selects "percent", see fig. 3) that indicates said extracted selected data to said user in a second user designated display form ("percent" form, fig. 3) that includes one or more displayed items (any item displayed in Fig. 3) selectable by said user by selecting a displayed region (filling out or checking the bubble in box 328) of the one or more displayed items for a follow up search process using a third search condition (any refinement search including selection 324, 320, 322, 30, 31 or another round of selections), and outputting the transformed information in the second user designated display form (showing "percent" result or graph in 33).

Regarding Claim 3, Lee discloses that said first transforming comprises:

dividing said extracted documents into clusters (spaces or windows of 30, 33) based upon said extracted data of said extracted documents (fig. 2);

extracting second data (patent information) (fig. 2) to be displayed from said extracted data of said extracted documents, wherein a type (such as year, patent type, inventor, assignee) (fig. 3) of the extracted second data is predefined for said first display form; and

generating, for each said cluster (space or window of 33), information to display the extracted second data as the one or more selectable displayed items to be utilized in said follow up search process using said second search condition (any further refinement search including for instance, year range 322; refinement search after selecting the patent office, year, etc, fig. 3).

Regarding Claim 4, Lee discloses that said first transforming comprises:

calculating a degree of relevancy ("value" result or graph) between said extracted documents based upon said extracted data of said extracted documents (fig. 3);

extracting, for each extracted document, a first data item (patent document dated 1997, etc) (fig. 3) to be displayed from said extracted data of said extracted documents, wherein a type of said extracted first data item is predefined for said first display form (32 and "value" result or graph in 33) (fig. 3) and

generating information to display the extracted first data items as the one or more selectable displayed items to be utilized in said follow up search process using said second search condition (see above), and a segment (graph) that connects between said extracted first data items and represents the calculated degree of relevancy ("value" result or graph) (figure 3) between said extracted documents corresponding to said extracted first data items.

Regarding Claim 5, Lee discloses that said first transforming comprises:

dividing said extracted documents into classes (classification) (paragraphs [0015], [0019]) based on used words (31, 30, 32 in fig. 3) included in said extracted data of said extracted documents, and counting a number of documents ("count of patents" in paragraphs [0015], [0018]) in each said class based on a specific matter predefined for said first display form (32 and "value" result or graph in 33); and

generating information to display the counting result ("count of patents" in paragraphs [0015], [0018]).

Regarding Claim 6, Lee discloses that said first transforming comprises:

calculating a degree of relevancy ("value" results) (fig. 3) between used words included in said extracted data of said extracted documents; and

generating information to display said used words as the one or more generated selectable displayed items to be utilized in said follow up search process using said second search condition (see above), and a segment (graph) that connects between said used words and represents the calculated degree of relevancy ("value" result or graph) between said used words (31, 30, 32 in figure 3).

Regarding Claim 7, Lee discloses that said first transforming comprises:

relating said extracted documents into document groups based on a specific matter (e.g. year range, patent type, inventor, assignee) predefined for said first display form ("value" result or graph) (fig. 3);

calculating a degree of relevancy ("value" result or graph) (fig. 3) between said document group and a used word (31, 30, 32 in fig. 3) included in said extracted data of said extracted documents; and

generating information to display said document groups by said data of said specific matter (e.g. year range, patent type, inventor, assignee), and the calculated degree of relevancy between said document group and said used word by a segment (graph) connecting between said document group and said used word (31, 30, 32 in fig. 3), wherein said document group and said used word (31, 30, 32 in fig. 3) as the one or more selectable displayed items are to be utilized in said follow up search process using said second search condition (See above).

Regarding Claim 8, Lee discloses that said second transforming comprises:

dividing said documents corresponding to said selected generated display item into clusters (spaces or windows of 30, 33) based upon said data of said documents corresponding to said selected generated display item (fig. 2);

extracting third data (number of patents) (fig. 3) to be displayed from said data of said documents corresponding to said selected generated display item, wherein a type of the extracted third data is predefined for said second user designated display form ("percent" result or graph) (fig. 3); and

generating, for each said cluster, information to display the extracted third data (number of patents) (fig. 3) as the one or more generated selectable displayed items (any displayed item) to be utilized in said follow up search process using said third search condition (any further refinement search).

Regarding Claim 9, Lee discloses that said second transforming comprises:

calculating a degree of relevancy ("value" result or graph) between said documents corresponding to said selected generated display item based upon said data of said documents corresponding to said selected generated display item;

extracting, for each of said documents corresponding to said selected generated display item, a second data item (patents in year 1997, 1996, 1995) to be displayed from said data of said documents corresponding to said selected generated display item, wherein a type of said extracted second data item is predefined for said second display form ("percent" result or graph) (fig. 3); and

generating information to display the extracted second data items (patents in year 1997, 1996, 1995) as the one or more selectable displayed items to be utilized in said follow up search process using said third search condition (see above), and a segment (graph) that connects between said extracted second data items and represents the calculated degree of relevancy ("value" result or graph) between said documents corresponding to said extracted second data item.

Regarding Claim 10, Lee discloses that said second transforming comprises:

dividing said documents corresponding to said selected generated display item into classes (classification) (paragraphs [0015], [0019]) based on used words (31, 30, 32 in fig. 3) included in said data of said documents corresponding to said selected display item, and counting a number of documents ("count of patents" in paragraph [0015], [0018]) in each said class based on a specific matter (e.g. year range, patent type, inventor, assignee) predefined for said second display form ("percent" result or

graph) (fig. 3); and generating information to display the counting result ("count of patents" in paragraphs [001], [0018]).

Regarding Claim 11, Lee discloses that said second transforming comprises:
calculating a degree of relevancy ("value" results or graph) (fig. 3) between used words included in said extracted data of said documents corresponding to said selected display item (patents); and

generating information to display said used words as the one or more selectable displayed items to be utilized in said follow up search process using said third search condition (any further refinement search), and a segment (graph) that connects between said used words (31, 30, 32 in fig. 3) and represents the calculated degree of relevancy ("value" result or graph) (fig. 3) between said used words.

Regarding Claim 12, Lee discloses that said second transforming comprises:
categorizing said documents (classification) (paragraphs [0015], [0019]) corresponding to said selected display item into document groups based on a specific matter (e.g. year range, patent type, inventor, assignee) predefined for said second display form ("percent" result or graph);

calculating a degree of relevancy ("value" result or graph) (fig. 3) between said document group and a used word (31, 30, 32 in fig. 3) included in said data of said documents corresponding to said selected display item; and

generating information to display said document groups by said data of said specific matter (e.g. year range, patent type, inventor, assignee), and the calculated degree of relevancy ("value" result or graph) between said document group and said

used word by a segment (graph) connecting between said document group and said used word (31, 30, 32 in fig. 3), wherein said document group and said used word (31, 30, 32 in fig. 3) as the one or more selectable displayed items are to be utilized in said follow up search process using said second search condition (refinement search, see above).

Regarding Claim 13, Lee discloses a document included in said predetermined document group is a patent document (figs. 2, 3), and said display item is either of bibliographic information (patent type) of said patent document and a used word in said patent document (inventor, assignee) (fig. 3).

Regarding Claim 14, Lee discloses that at least either of said first and second transformings ("value" or percent" results or graph) comprises specifying a display program corresponding to a display form, and generating information for said display program (display the graphs in 33) (fig. 3).

Regarding Claim 15, Lee discloses that at least either of said first and second display forms is an arbitrary combination (any one, or combination, or all the criteria shown in fig) of predefined display forms (fig. 3).

Regarding Claims 23-25, Lee discloses at least two of the following forms:

a first form showing indications (33) of the extracted documents that have been classified by used words (31,30, 32 in figure 3) in said extracted documents,

a second form showing indications (33) of said extracted documents, and segments between the indications, each said segment representing a degree of relevancy ("value" result) (figure 3) between said extracted documents, that is

calculated by used words (31,30, 32 in figure 3) in said extracted documents (patent list in figure 2 and 324 in figure 3),

a third form showing a graph (See "value" and "percent" graph in 33 of figure 3) representing a result obtained by classifying and aggregating said extracted documents based on used words (31,30, 32 in figure 3) in said extracted documents (See aggregation and combination in 31) (Figure 3);

a fourth form (33) showing used words in said extracted documents and segments representing a degree of relevancy ("value" result) among said used words (31,30),

a fifth form (33) showing first indications of document groups (1997, 1996, 1995), second indications of used words (31,30, 32 in figure 3) in said extracted documents (USPTO, EPO, and patent type, inventor, etc) (figure 3), and segments between said first indications and said second indications, said document group being composed of said extracted documents associated by a specific matter (year range), and each of said segments representing a degree of relevancy ("value" result) between said document group and said used word (31,30, 32 in figure 3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824. Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wilson Lee/
Primary Examiner, Art Unit 2163

